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March 19, 2018

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Ex Parte Presentation – Reply to Ex Partes Filed on Day of Sunshine Notice

*Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, **WT Docket No. 17-79**

Dear Ms. Dortch:

NCTA -- The Internet and Television Association (“NCTA”) hereby replies<sup>1</sup> to the March 15, 2018, ex parte presentation filed by Sprint taking issue with NCTA’s proposed revisions to the definition of small wireless facilities in the draft order.<sup>2</sup>

Contrary to Sprint’s suggestion, NCTA supports “promoting 5G deployment” by “focusing on streamlining the installation of small cell antennas and related equipment.”<sup>3</sup> As noted in the *Draft Order*, the Commission’s motivation to update its rules reflects the changes in wireless deployment from a time when nearly all deployments involved large macrocell facilities. We therefore do not object to the Commission’s proposal to exclude from NEPA and NHPA review “small wireless facilities [that] pose little or no risk of adverse environmental or historic preservation effects.”<sup>4</sup> While neither the *Draft Order* nor the proposed rule suggests that the Commission intended to extend this exemption beyond antennas and associated equipment to

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<sup>1</sup> A reply to an ex parte presentation made on the day the Sunshine notice is released may be filed during the Sunshine Period. See 47 C.F.R. § 1.1206(b)(2)(iv) (permitting the filing of a reply to such a presentation “no later than two business days following the presentation”).

<sup>2</sup> Letter from Keith C. Buell, Senior Counsel, Sprint, to Marlene H. Dortch, WT Docket No. 17-79 (filed Mar. 15, 2018) (“Sprint March 15 *Ex Parte*”); see also Letter from Scott K. Bergmann, Senior Vice President, Regulatory Affairs, CTIA to Marlene H. Dortch, WT Docket No. 17-79 (filed Mar. 15, 2018) (“CTIA March 15 *Ex Parte*”).

<sup>3</sup> Letter from Rick Chessen, NCTA—The Internet and Television Association, to Marlene H. Dortch, WT Docket No. 17-79 (filed Mar. 9, 2018) (“NCTA March 9 *Ex Parte*”) at 1.

<sup>4</sup> *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, FCC-CIRC1803-01, WT Docket No. 17-79 (draft rel. Mar. 1, 2018) at ¶¶ 39, 72 (“*Draft Order*”).

wireline facilities, NCTA proposed expressly excluding wireline facilities to avoid future disputes. We believe that the treatment of wireline backhaul is better considered in a more comprehensive review of state and local obstacles to wireline broadband deployment.<sup>5</sup>

For the avoidance of doubt,<sup>6</sup> the Commission should therefore confirm that its proposed rule applies only to small cell antennas and the related equipment described in the rule, and that this final *Order* does not address wireline deployment.

With that clarification, NCTA respectfully urges the Commission to adopt its proposed definition of small wireless facilities.

Please address any questions regarding the foregoing to the undersigned.

Sincerely,

/s/ **Rick Chessen**

Rick Chessen

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<sup>5</sup> See, e.g., Remarks of Brendan Carr, Commissioner, FCC, *Consumer Technology Association's 5G Day, "Ensuring the United States is 5G Ready*, Washington, D.C. at 5 (Feb. 28, 2018), [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0228/DOC-349499A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0228/DOC-349499A1.pdf) ("In the weeks and months ahead, we will be continuing our review of the state and local requirements that can also operate as barriers to 5G deployment.").

<sup>6</sup> See Sprint March 15 *Ex Parte* at 2 (raising concerns about the applicability of NEPA and NHPA to backhaul facilities).